

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHEN ZARATE,
Plaintiff,
v.
CHENEL PRUITT, et al.,
Defendant

Case No.: 2:22-cv-01449-APG-NJK

Order Denying IFP Application Without Prejudice

(Docket No. 1)

I. DISCUSSION

On September 7, 2022, Plaintiff, an inmate in the custody of the Clark County Detention Center, submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete. Specifically, Plaintiff has not submitted an inmate account statement for the previous six-month period. Moreover, the financial certificate Plaintiff submitted is not signed by a jail official. Docket No. 1 at 4.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

1 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket
2 No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a
3 **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing
4 all three of the required documents. Plaintiff must file a fully complete application to proceed *in*
5 *forma pauperis* on or before **November 7, 2022**. Absent unusual circumstances, the Court will
6 not grant any further extensions of time. If Plaintiff does not file a fully complete application to
7 proceed *in forma pauperis* with all three required documents on or before **November 7, 2022**, this
8 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
9 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
10 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
12 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
13 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
14 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
15 **November 7, 2022** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
17 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
18 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

19 **II. CONCLUSION**

20 For the foregoing reasons,

21 IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis*, Docket No. 1,
22 is **DENIED** without prejudice to file a new fully complete application to proceed *in forma pauperis*
23 with all three documents.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
25 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
26 information and instructions for filing an *in forma pauperis* application.

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1 IT IS FURTHER ORDERED that, on or before **November 7, 2022**, Plaintiff must either
2 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
3 administrative fee) or file with the Court:

- 4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
5 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
6 3);
7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
8 (i.e. page 4 of this Court's approved form); and
9 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
10 **six-month period.**

11 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
12 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
13 on or before **November 7, 2022**, this case will be subject to dismissal without prejudice for
14 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
15 documents needed to file a complete application to proceed *in forma pauperis* or pays the the full
16 \$402 filing fee.

17 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
18 Docket No. 1-1, but will not file it at this time

19 IT IS SO ORDERED.

20 DATED: September 8, 2022.

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NANCY J. KOPPE
24 UNITED STATES MAGISTRATE JUDGE
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